

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID R. MENDOZA,

Defendant.

No. CR06-0466 TSZ

[PROPOSED] ORDER GRANTING
MOTION TO CONTINUE TRIAL
AND SETTING NEW PRETRIAL
MOTIONS DEADLINE AND
PRETRIAL CONFERENCE DATE

Based on the motion of Defendant Mendoza that is unopposed by the Government, the Court makes the following findings of fact and conclusions of law:

1. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii),

2. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendants the reasonable time for effective preparation of their defense. 18 U.S.C. § 3161(h)(8)(B)(iv).

1 3. Proceeding to trial absent adequate time for the defense to prepare would
2 result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(i).

3 4. The ends of justice served by granting this continuance outweigh the best
4 interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 NOW, THEREFORE,

6 IT IS HEREBY ORDERED that the trial date is continued from June 29, 2009, to
7 August 10, 2009, at 9:00 AM. The resulting period of delay from June 29, 2009, up to and
8 including the new trial date of August 10, 2009 is hereby excluded for speedy trial purposes
9 under 18 U.S.C. § 3161(h)(8)(A) and (B).

10 The Pretrial Conference is rescheduled from June 19, 2009, to _____, at
11 _____ AM/PM.

12 Pretrial motions are now due _____.

13 DONE this _____ day of June, 2009.

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18 _____
JUDGE THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE

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20 Presented by:

21 s/ Jeffery P. Robinson
22 JEFFERY P. ROBINSON
23 COLETTE TVEDT
24 Counsel for Defendant David Mendoza